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*Attorneys for Defendants Lord, Abbott & Co. LLC  
and Lord Abbott Distributor LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ROSEMARIE ZAVOLTA, on behalf of herself  
and all others similarly situated,

*DOCUMENT FILED ELECTRONICALLY*

Plaintiffs,

Civil Action No. 08-cv-04546-WJM-MF

vs.

LORD, ABBETT & CO. LLC and LORD  
ABBETT DISTRIBUTOR LLC,

NOTICE OF MOTION TO DISMISS THE  
CLASS ACTION COMPLAINT

Defendants.

**PLEASE TAKE NOTICE** that on May 4, 2009, or as soon thereafter as counsel may be heard, or on a date thereafter to be set by the Court, K&L Gates LLP, attorneys for Defendants, Lord, Abbott & Co., LLC and Lord Abbott Distributor LLC will move pursuant to Fed. R. Civ. P. 12(b)(1), 8(a), 9(b), 12(b)(6), L. Civ. R. 7.1, and the Private Securities Litigation Reform Act of 1995, Pub. L. No. 104-67, 109 Stat. 737 (1995), before the Honorable William J. Martini, United States District Judge, at the Martin Luther King, Jr. Federal Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey, for an Order dismissing plaintiff's "Class Action Complaint" for lack of subject matter jurisdiction or, in the alternative, with prejudice on the merits, and for such other relief as the Court deems just and proper;

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, defendants will rely upon: (i) Memorandum of Law filed herewith; (ii) the Declaration of John K. Forst filed herewith with exhibits, and (iii) the accompanying proposed Order;

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested if this motion is contested.

Respectfully Submitted,

/s/ Christopher A. Barbarisi

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Date: April 6, 2009